IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 829 OF 2005

Balasaheb Shankar Patil ... Appellant (Ori.Plaintiff)

V/s

Central Engineering Company ... Respondents

Mr. S.M. Railkar for the appellant.

Mr. J.G. Gaikwad for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 25TH AUGUST, 2005

P.C.:

1. Heard the learned counsel for both parties. Perused the record.

2. The appellant has preferred this appeal against the judgment and order passed by the Addl. District Judge, Kolhapur, dated 29.4.1998 dismissing the appeal and confirming the judgment and order passed by the Jt. Civil Judge, Sr.Divn., Kolhapur dated 25.8.1992 decreeing the suit of the plaintiff to the extent that the defendant was directed to pay the amount of Rs.775/- to the plaintiff with interest at the rate of 6% p.a.

till satisfaction.

3. In view of the facts and circumstances, it is clear that there is absolutely no substantial question of law involved in this appeal. The plaintiff filed the suit against the defendant for recovery of certain movable property i.e. three tyres or alternatively for the price of tyres. When the request for return of tyres or price thereof was not heeded, the plaintiff filed the suit.

Defendant contested the suit inter-alia denying the liability for return of the goods. The learned Trial Judge adjudicated the dispute on merits and came to the conclusion that the plaintiff was not in possession of three tyres and that the defendant had avoided to deliver the goods, however, alternative relief for price of the goods came to be decreed.

The appeal was carried to the District Court. The learned Addl. District Judge, after hearing both parties, dismissed the appeal. Hence the present appeal.

4. At the outset, it may be noted earlier that, there

is absolutely no substantial question of law involved in this case. The reasonings adopted and findings recorded by both the Courts below show that evidence on record is properly appreciated and, therefore, I hold that the appeal is devoid of any merits and, as such, stands dismissed with no order as to costs.

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